

etc., being Senate bill No. 118, Chapter 29, of said Regular Session Laws, repealing all laws in conflict herewith, and declaring an emergency."

And find the same correctly engrossed.

PRICE, Vice-Chairman.

TWENTY-FIRST DAY.

(Monday, February 5, 1923.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the following members were present:

Abney.	Green.
Amsler.	Greer.
Arnold.	Hardin of Erath.
Atkinson.	Hardin
Avis.	of Kaufman.
Baker of Orange.	Harrington.
Baldwin.	Harris.
Barker.	Henderson
Barrett.	of Marion.
Beasley.	Henderson
Bell.	of McLennan.
Bird.	Hendricks.
Blount.	Howeth.
Bonham.	Irwin.
Brady.	Jacks.
Bryant.	Jennings.
Burmeister.	Jones.
Cable.	Kemble.
Carpenter	Lackey.
of Dallas.	Lamb.
Carpenter	Lane.
of Matagorda.	LeMaster.
Carson.	LeSturgeon.
Carter of Coke.	Lewis.
Chitwood.	Loftin.
Coffee.	Looney.
Collins.	McBride.
Covey.	McDaniel.
Cowen.	McDonald.
Crawford.	McFarlane.
Culp.	McNatt.
Davenport.	Martin.
Davis.	Mathes.
DeBerry.	Maxwell.
Dielmann.	Merriman.
Dodd.	Merritt.
Downs.	Montgomery.
Driggers.	Moore.
Duffey.	Morgan
Dunlap.	of Liberty.
Dunn.	Morgan
Durham.	of Robertson.
Edwards.	Pate.
Faubion.	Patman.
Fields.	Patterson.
Finlay.	Perdue.
Fugler.	Pinkston.
Gipson.	Pool.

Pope.	Stewart
Potter.	of Edwards.
Price.	Stewart of Jasper.
Quaid.	Stewart of Reeves.
Quinn.	Storey.
Rice.	Sweet.
Robinson.	Teer.
Rogers.	Thompson.
Rountree.	Thrasher.
Russell	Vaughan.
of Callahan.	Wallace.
Sackett.	Wells.
Sanford.	Westbrook.
Satterwhite.	Wessels.
Shearer.	Williamson.
Shires.	Wilmans.
Simpson.	Wilson.
Sparkman.	Winfree.
Stevens.	Young.

Absent.

Carter of Hays.	Melson.
Frnka.	Miller.
Lusk.	Strickland.

Absent—Excused.

Baker of Milam.	Purl.
Bobbitt.	Russell of Trinity.
Dinkle.	Rowland.
Houston.	Smith.
Hughes.	Stell.
Hull.	Stiernberg.
Johnson.	Stroder.
Laird.	Turner.
McKean.	

A quorum was announced present.
Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Houston, for today, on motion of Mr. LeSturgeon.

Mr. Stell, for today, on motion of Mr. Wessels.

Mr. Russell of Trinity, for today and tomorrow, on motion of Mr. Lamb.

Mr. Bobbitt, for today, on motion of Mr. Rogers.

Mr. Hull, for today, on motion of Mr. Jacks.

Mr. Turner, for today, on motion of Mr. Winfree.

Mr. Baker of Milam, for today, on motion of Mr. Jacks.

Mr. Dinkle, for today, on motion of Mr. Beasley.

Mr. Hughes, for today, on motion of Mr. Henderson of McLennan.

Mr. Hardin of Erath, for today and tomorrow, on motion of Mr. Faubion.

The following members were granted leaves of absence on account of sickness:

Mr. Stroder, for today, on motion of Mr. Greer.

Mr. Stiernberg, for today, on motion of Mr. McFarlane.

Mr. Johnson, for today, on motion of Mr. Brady.

Mr. Laird, for today, on motion of Mr. Carpenter of Matagorda.

Mr. Rowland, for today, on motion of Mr. Patterson.

Mr. Purl, for today, on motion of Mr. Carpenter of Dallas.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Hull:

H. B. No. 418, A bill to be entitled "An Act to appropriate the sum of forty-five thousand dollars to pay in full Mrs. Kate Chambers Sturgiss (nee Kate Chambers) and Mrs. Stella J. McGregor (nee Stella J. Chambers), the only surviving heirs at law of General T. J. Chambers, deceased, for 5004 acres of land owned by General T. J. Chambers, which land was condemned by the Republic of Texas for the purpose of establishing a seat of government, and upon which the city of Austin now stands and upon a part of which the State Capitol is built, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Young:

H. B. No. 419, A bill to be entitled "An Act to amend Article 7017, Revised Civil Statutes, 1911, conferring authority upon the commissioners courts of two or more counties to join in the construction of bridges and pay for the same out of the funds of the respective counties, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. McFarlane and Mr. Greer:

H. B. No. 420, A bill to be entitled "An Act for refunding certain bonds of the State of Texas now owned by the permanent school fund; providing for the execution of new bonds in lieu thereof; providing method of exchange of said bonds; making appropriation to pay accrued interest and to pay expense

of lithographing bonds, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Perdue:

H. B. No. 421, A bill to be entitled "An Act to amend Article 4632, Chapter 4, of the Revised Civil Statutes of Texas, so as to provide that when a suit for divorce is filed in this State, and the defendant appears and files an answer and cross bill thereto and therein, that the right of the defendant to have the cross bill and issues raised by it heard and determined by the court shall not be defeated by a dismissal or withdrawal of the plaintiff's suit."

Referred to Judiciary Committee.

By Mr. McDonald:

H. B. No. 422, A bill to be entitled "An Act to create the Dodge Independent School District in Walker County, Texas; defining its boundaries and making provision for a board of trustees with full power, privileges and duties of towns and villages incorporated for free school purposes only; investing the trustees with the control of the public free schools in said district; authorizing the levy and collection of taxes for certain purposes; validating taxes now being levied and collected; authorizing the appointment of a tax assessor and collector; defining his duties and authorizing the board to be vested with all authority that is vested in boards of independent school districts by the general laws of the State of Texas; validating all indebtedness now outstanding against Dodge Independent School District in said county, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Green, Mr. Maxwell, Mr. Russell of Callahan and Mr. Carter of Coke:

H. B. No. 423, A bill to be entitled "An Act reorganizing the State of Texas into supreme judicial districts, for the purpose of constituting and organizing courts of civil appeals therein; creating the Tenth Supreme Judicial District of Texas, with Abilene as the site of said court; providing for the appointment and qualification of the judges of said Tenth Supreme Judicial District, and other officers thereof; providing for the transfer of cases and regulating appeals from the lower courts of the counties

constituting said Tenth Supreme Judicial District of Texas, and declaring an emergency."

Referred to Committee on Judicial Districts.

By Mr. Davenport, Mr. Jones, Mr. Bonham, Mr. McFarlane, Mr. Rountree, Mr. Beasley, Mr. Carpenter, Mr. Potter, Mr. Cowen, Mr. Rogers, Mr. Gipson Mr. Bryant and Mr. Carson:

H. B. No. 424, A bill to be entitled "An Act amending the statutes relative to elections, primary elections and nominating conventions; amending Article 3093, Revised Civil Statutes, as amended, relative to primary elections and nominating conventions, so as to better provide for voting and participating in primary elections; amending Article 2956, Revised Civil Statutes, so as to safeguard the issuance and use of poll tax receipts; amending Article 2939, Revised Civil Statutes, as amended, so as to prevent fraud and irregularity under the absentee voting law in primary elections; amending Article 3084, Revised Civil Statutes, so as to require all political parties casting ten thousand votes or more at the last general election to nominate candidates for office by primary election; making it unnecessary for judges, clerks or supervisors to reside in the precinct; restricting the use of injunctions in preventing performance of duty under the laws relative to elections, primary elections and nominations of candidates; requiring the Secretary of State to certify certain nominations; amending Article 3129, Revised Civil Statutes, so as to require the preservation of ballot boxes and investigating the ballots; prescribing an oath for executive committeemen and judges, clerks and supervisors in primary elections in order to assure affiliation with the political party for which said committeemen or officers act, and declaring an emergency."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Wallace:

H. B. No. 425, A bill to be entitled "An Act to amend Chapter 2 of Title 104 of the Revised Civil Statutes of 1911, as amended by Chapter 32, General Laws, First Called Session, Thirty-fifth Legislature, pertaining to the management and control of the Prison System of this State by adding thereto another article to be known as Article

6231b, so as to exempt the Board of Prison Commissioners, and the members thereof, from giving or making any cost bond, appeal bond, supersedeas bond, writ of error bond, or other bond or security in any civil suit or action heretofore or hereafter brought by or against it, or them, and declaring an emergency."

Referred to Committee on Penitentiaries.

By Mr. Greer:

H. B. No. 426, A bill to be entitled "An Act to amend Article 4631, Chapter 4, of the Revised Civil Statutes of the State of Texas, so as to allow the husband or wife to secure a divorce from the bonds of matrimony, when either the husband or wife has been convicted of lunacy in a court of competent jurisdiction, and has been confined in one of the asylums for at least three consecutive years, and where it appears from the evidence that the party confined in the asylum will not likely recover from the disease."

Referred to Judiciary Committee.

By Mr. Stewart of Edwards:

H. B. No. 427, A bill to be entitled "An Act to create the Barksdale Independent School District in Edwards and Real counties, Texas, providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas; providing that the board of trustees of the existing school in said district shall continue to act as such until their successors are elected in accordance with the general laws of Texas, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Stewart of Edwards:

H. B. No. 428, A bill to be entitled "An Act to create the Camp Wood Independent School District in Real, Edwards and Uvalde counties, Texas, providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas; providing that the board of trustees of the existing school in said

district shall continue to act as such until their successors are elected in accordance with the general laws of Texas, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Dielmann:

H. B. No. 429, A bill to be entitled "An Act defining and classifying public utilities and subjecting interurban public utilities to the supervision of the Railroad Commission of Texas with power to enact rules and regulations, and make orders and decisions for the conduct of the business of such utilities and requiring of the same reasonable rates and safe and adequate service; excepting local public utilities from the jurisdiction of the commission but giving municipalities the privilege of calling upon the commission for information and assistance; conferring on the commission limited powers over utilities doing both an interurban and a local business and enabling it to fix the basis for separating such business for jurisdictional and rate making purposes; authorizing the commission to regulate, prescribe and inspect the books and accounting systems of interurban utilities and to require production of the same and other evidence; providing for annual reports of interurban public utilities and making reports and data filed with the commission available to municipalities; providing for separation of various kinds of business engaged in by interurban utilities and giving the commission certain powers for the apportionment of assets, liabilities, expenses and earnings thereof; requiring charges of interurban public utilities to be just, reasonable, and non-discriminatory and conferring jurisdiction on the commission to determine the reasonableness of rates and adequacy of service of such utilities; and providing for the reimbursement or escheat of charges collected in excess of permitted or reasonable charges; requiring of interurban utilities the filing of reports and schedules of rates and charges and bonds for the protection of the public; making unjust or unreasonable rates of any public utility unlawful and contracts therefor unenforceable; conferring power on the commission to determine the rates, charges, returns and practices of said utilities upon application of the utility or its patrons or on its own initiative, to require improvements and extensions, to require joint or connected

service of two or more interurban utilities or an interurban and a local public utility, but only on application or with approval of the municipality concerned; prohibiting discrimination in rates or charges received by interurban utilities; restricting public utility permits and franchises to Texas corporations and citizens and prohibiting any foreign corporation from acquiring a permit or new or amended franchise enlarging its rights and privileges to acquire, own, operate, lease or control a public utility in this State; authorizing 25 or more customers of an interurban utility to file complaints and providing for hearing and decision of the same; authorizing the commission to act as arbitrators in certain disputes; requiring certificates of convenience or necessity or previous approval to be obtained from said commission in certain cases for the construction, enlargement, extension, purchase, lease, sale, operation or agencies of said utilities and competing utilities; providing for public hearings and rehearings and the notice and conduct thereof; and conferring powers on the commissioners with relation thereto and authorizing the appointment of examiners; providing for the service of notices, orders and subpoenas and directing sheriffs and constables to serve same and fixing their compensation; fixing the venue and limitation periods of suits and the degree of proof and other conditions for injunctions against the commission; requiring reports of annual income of public utilities and fixing a charge of one-half of one per cent of the gross income of all public utilities; creating the 'Public Utilities Fund' in the State Treasury; providing for the payment of all salaries, including an additional \$1000 to each commissioner and expenses of the commission out of said fund; authorizing the commission to appoint a solicitor and other experts, assistants and employes and to incur necessary expenses for supplies and equipment with approval of the Board of Control; fixing fees to be collected by the commission and fees and the traveling allowance of witnesses; authorizing process to secure the attendance of witnesses and requiring testimony and evidence to be produced before the commission and means of enforcing same; requiring public utilities and their officers, agents and employes to obey the orders of the commission, and providing penalties for the violation of the same or the provisions of

this act; authorizing the Attorney General to bring suit for injunction, mandamus, or mandatory injunction or for receiverships against public utilities for the enforcement of this act and of the commission's orders and decisions and making penalties cumulative; providing for an annual report by the commission and the contents thereof; declaring unconstitutional parts shall not affect other parts of this act and repealing certain laws and other acts inconsistent herewith; amending Article 1018 of the Revised Civil Statutes of 1911 by striking therefrom the following language 'provided that the city council or board of aldermen shall not prescribe any rate or compensation which will yield less than ten per cent per annum net on the actual cost of the physical properties, equipments and betterments,' and re-enacting said article as thus amended."

Referred to Committee on State Affairs.

By Mr. Brady:

H. B. No. 430, A bill to be entitled "An Act making insurance companies issuing policies of insurance protecting the owners of motor vehicles from loss or damage or liability by reason of the ownership or operation of motor vehicles proper parties defendant in any suits by any person suffering loss or injury by reason of the operation of such motor vehicle; defining the terms 'public liability' and 'property damage' insurance; providing for the issuance of execution against such insurance companies, and declaring an emergency."

Referred to Judiciary Committee.

HOUSE JOINT RESOLUTION ON FIRST READING.

The following House joint resolution, introduced today, was laid before the House, read first time and referred to the Committee on Constitutional Amendments:

By Mr. Wallace and Mr. Teer:

H. J. R. No. 18, Authorizing and approving the exchange of ownership by the Board of Prison Commissioners and the Hermann Hospital Estate of two certain tracts of land at the Blue Ridge State Farm situated in Fort Bend county, Texas, one consisting of five acres of land belonging to Hermann Hospital Estate, on which the State barn and certain other improvements at the Blue Ridge Farm are situated, and

the other, of which, excepting the oil, gas and other minerals therein, consisting of six acres of land, belongs to the State of Texas.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 5, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 104, A bill to be entitled "An Act providing that State banks, or State bank and trust companies, organized under the general laws of the State of Texas, desiring to convert to any other system of banking, shall give notice to the public by advertisement in a newspaper of such change; providing also that such bank or trust company shall notify the Banking Commissioner of Texas, in writing, of such change, not less than 30 days before such conversion shall be made, providing that no funds shall have been deposited in a State bank and trust company in this State shall be protected by the guaranty fund of this State or by the bond security law of this State, after such corporation shall have been converted to some other system of banking; prohibiting a State bank or State bank and trust company organized and doing business under the general laws of the State of Texas from investing more than fifty per cent of its capital stock and surplus in its banking house, nor more than fifteen per cent of its capital stock and surplus in furniture and fixtures to be contained in its banking house, without first obtaining the written permission of the State Banking Board of the State of Texas; prohibiting officers of State bank and trust companies organized under the general laws of the State of Texas from engaging in fraudulent or speculative business enterprises calculated to bring discredit upon such bank and trust company; giving the Banking Commissioner of Texas power to remove officers guilty of such practices and to enforce his order of removal by closing and liquidating any bank or bank and trust company so offending; prohibiting State banks or State bank and trust companies organized under Title 14, Vernon Sayles' Revised Statutes of the State of Texas, 1914, and amendments thereto, from issuing non-interest bearing

certificates of deposits, shall not be protected by the guaranty fund law or the bond security plan of the State banks of Texas; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

S. B. No. 171, A bill to be entitled "An Act creating the West Independent School District in the county of McLennan, State of Texas; defining its boundaries; providing for a board of trustees to manage and control the public free schools within said district; divesting the city of West and the old West Independent School District, as heretofore created, of the control of its public free schools, and the title of all property now held and used for free school purposes, and vesting the same in the West Independent School District as here created, and its board of trustees, and providing that all moneys now on hand or to be hereafter acquired for school purposes from the sale of bonds or otherwise be delivered by the city of West or the West Independent School District, as heretofore existing, unto the board of trustees of the West Independent School District, as here now created; and providing for the assessment and collection of taxes, and for the appointment and election by the board of trustees for a treasurer and other officers; granting power unto said board of trustees to issue bonds and providing for a sinking fund therefor; granting power unto said board of trustees to purchase school sites and to erect, furnish, equip and maintain school and school buildings within said district, and granting such other powers as are granted by general law to cities and towns incorporated for school purposes only, and providing for an emergency."

S. B. No. 188, A bill to be entitled "An Act creating the Crawford Independent School District in McLennan county, Texas; defining its boundaries, including the present Crawford Independent School District; providing for a board of trustees in said district, conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of the State of Texas upon independent school districts and the boards of trustees thereof, or any other law or laws that may be hereafter enacted governing independent school districts created or incorporated for free school purposes only under the general laws of this State;

providing that the present board of trustees continue in office until the expiration of their respective terms, and declaring an emergency."

H. B. No. 5, A bill to be entitled "An Act to regulate district courts in judicial districts composed of more than one county and having at least four weeks each in counties in which there is a city of one hundred and thirty-five thousand population, or over, according to the last United States census, by providing for the extension of the terms thereof in such last described counties, and the conducting of such extended terms while a new term thereof is open, and by providing procedure in such courts in the issuance, service and return of citations by publication issued out of said courts, and for other purposes, and declaring an emergency."

H. B. No. 89, A bill to be entitled "An Act providing for the return of pension warrants where the pensioner dies during the quarter for which the warrant was issued, the cancellation of the same, and the issuance of a mortuary warrant to pay the funeral expenses of the deceased pensioner; fixing the amount thereof, and declaring an emergency."

H. B. No. 123, A bill to be entitled "An Act creating the Richland Springs Independent School District in San Saba county, Texas, and defining its boundaries, and providing for the election of a board of trustees to manage and control the public free schools within said district; investing said district with all the powers, rights and duties of independent school districts formed for free school purposes only, and providing that said board of trustees shall have such authority as is now or may be hereafter conferred by the general laws of the State of Texas upon boards of public school trustees of independent school districts, and declaring an emergency."

H. B. No. 186, A bill to be entitled "An Act to create the Paris Independent School District of Lamar county, Texas, defining its boundaries and providing for the election of a board of trustees, investing said district and its board of trustees with full power, privileges and duties of towns incorporated for free school purposes only, investing the trustees with the control of the public schools of said district, authorizing the levying and collecting of taxes for said purposes, authorizing the appointment of a tax collector and assessor, and authorizing the said board to be vested

with all authority that is vested in boards of trustees of independent school districts by the general laws of the State of Texas; providing for the assumption and refunding by the Paris Independent School District as herein defined and established of all or any part of the indebtedness, bonded or otherwise, of the city of Paris, Texas, created for school purposes; and repealing so much of the Acts of the Twenty-ninth Legislature, being House bill No. 541, entitled 'An Act to incorporate the city of Paris and to grant it a new charter,' which in any manner invests the city of Paris with the control."

H. C. R. No. 8, Providing for a committee to inspect the proposed site or sites for the relocation of the penitentiary system of Texas, and to make the regular visitation of the prison that is required by the Legislature.

H. B. No. 198, A bill to be entitled "An Act creating the Floresville Independent School District of Wilson county, Texas; defining its boundaries; divesting the City of Floresville of the control and management of the public free schools, and vesting same in a board of trustees for said district; providing for a board of trustees in said district, conferring upon said district and its board of trustees all of the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the board of trustees thereof; providing that the present board of trustees continue in office until the expiration of their respective terms; divesting the City of Floresville of the title to any and all school property, and vesting the board of trustees with the title thereto; providing that any territory within the bounds of said district as created by this act shall remain chargeable with any and all outstanding bonded indebtedness heretofore voted by such territory; providing that said district as herein created may at an election assume such outstanding bonded indebtedness, naming the fiscal year as to taxes; repealing all laws in conflict herewith, and declaring an emergency."

The Senate refused to engross Senate bill No. 78, reconsidered the vote, and laid the bill on the table subject to call:

S. B. No. 78, A bill to be entitled "An Act to amend Article 29 of Title 5 of the Revised Civil Statutes of 1911, as amended by Acts of 1911, page 269, Section 1; Acts 1911, unpublished; Acts 1913, page 7, Section 1, and Acts of

1915, Chapter 70, Section 1, providing that the counties of Rains, Wood, Van Zandt and Henderson shall be taken from the Fifth Supreme Judicial District of Texas and added to the Sixth Supreme Judicial District of Texas; that the county of Lamar shall be taken from the Sixth Supreme Judicial District of Texas and added to the Fifth Supreme Judicial District of Texas; that the county of Panola shall be taken from the Ninth Supreme Judicial District of Texas; that the counties of Shelby, Nacogdoches and Angelina be taken from the Ninth Supreme Judicial District of Texas and added to the Sixth Supreme Judicial District of Texas; that the counties of Anderson and Houston be taken from the First Judicial District of Texas, and that the Court of Civil Appeals of the Sixth Judicial District of Texas shall hold its sessions in the City of Tyler, in the county of Smith, and declaring an emergency."

And the Senate concurred in the House amendment to Senate bill No. 129 by the following vote, 28 yeas and 0 nays.

Respectfully,

RICHARD BLALOCK,
Assistant Secretary of the Senate.

HOUSE BILL NO. 12 ON ENGROSSMENT.

On motion of Mr. Cowen, the regular order of business was suspended to take up and have placed on passage to engrossment,

H. B. No. 12, A bill to be entitled "An Act to provide revenue for the support of the public free schools of Texas, and to levy a tax of two cents per gallon on all gasoline sold in the State of Texas for the support of the public free schools of Texas, and declaring an emergency."

The Speaker laid the bill before the House, the bill having been read second time on Monday, January 29.

Mr. Melson offered the following amendment to the bill:

Amend House bill No. 12 by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. That Chapter 4, Title 126, of the Revised Civil Statutes of the State of Texas of 1911 be and the same is hereby amended by adding thereto a new article to be known as Article 7377a, which shall read as follows:

Article 7377a. Each and every indi-

vidual, company, corporation and association, whether incorporated under the laws of this State or any other State or territory or organized in this State or any other State or territory, engaged in the business of selling gasoline by retail in this State, whether in his own name or in the name of others, or in the name of his representatives or agents, shall make quarterly, on the first days of January, April, July and October of each year, a report to the Comptroller of Public Accounts under the oath of the individual or of the president, treasurer or superintendent of such company, corporation or association, or if an association operating under a declaration of trust, the trustee or trustees, manager or treasurer thereof, showing the gross amount collected and uncollected from any and all such sales of gasoline made within this State during the quarter next preceding. Said individuals, companies, corporations and associations, at the time of making said report, shall pay to the Treasurer of the State of Texas an occupation tax for the quarter beginning on said date equal to one cent on each gallon of gasoline sold.

Sec. 2. The revenues arising from the tax levied under the provisions of this article, not otherwise provided for by Section 3 of Article 7 of the Constitution of the State of Texas, for the period of two years beginning with the time of the taking effect of this act are hereby appropriated in aid of the public free schools of the State, and also in aid of the public highways of the State of Texas, the same to be added as received by the State Treasurer, one-half to be added to the available school fund and distributed in accordance with the statutes now governing the distribution of the available school funds of the State, as shown by Articles 2725 and 2726, Chapter 9, Title 48, Revised Civil Statutes of the State of Texas.

Sec. 3. Provided that if any section or provision of this act shall be declared by the courts to be unconstitutional, all remaining sections, or parts thereof, shall be in full force and effect.

Sec. 4. The fact that the public free schools of Texas, and the public highways of Texas require additional funds creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule that bills be read on three several days, and said rule is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Mr. Henderson of Marion offered the following substitute for the amendment:

Strike out all after the enacting clause and add in lieu thereof the following:

Section 1. That the following words, terms and phrases in this act are, for the purposes hereof, defined as follows:

(a) "Motor vehicles" shall include all vehicles, engines or machines, movable or immovable, which are operated or propelled by internal combustion of gasoline, distillate or other volatile and inflammable liquid fuels.

(b) "Motor vehicle fuels" are such fuels known as gasoline and such other volatile and inflammable liquids produced or compounded for the purpose of operating or propelling motor vehicles, except the product commonly known as kerosene oil.

(c) The term, "wholesale dealer," as used in this act, is hereby defined as any person, firm or corporation in the State of Texas, who produces, refines, manufactures or compounds any motor vehicle fuel as defined in this act within the State of Texas and sells or offers to sell such motor vehicle fuel, as defined in this act, within the State of Texas; or any person, firm or corporation within the State of Texas who receives, distributes, delivers, sells or offers to sell any such motor vehicle fuel, as defined in this act, that has been transported by any means, system or method, into the State of Texas, from any other State, territory or nation, after said motor vehicle fuel has ceased to be an interstate commerce shipment. By the phrase, "after said motor vehicle fuel has ceased to be an interstate commerce shipment," as used in this act, is meant any time after a shipment of such fuel has reached its destination in this State and the shipped package or container in which the shipment is made has been broken or opened.

Sec. 2. That on and after June 15, 1923, each and every wholesale dealer, as defined in this act, who is now engaged or who may hereafter engage in his own name, or in the name of others, or in the name of his representatives or agents in this State, in the sale or use of motor vehicle fuel as herein defined shall, not later than the last day of each quarter of the calendar year, render to the Comptroller a statement of all motor vehicle fuel sold or used by him or them in the State of Texas during the preceding quarter of the calendar year, and pay a tax of two (2) cents per gal-

lon on all motor vehicle fuel as shown by such statement in the manner and within the time hereinafter stipulated.

Sec. 3. That all such dealers in motor vehicle fuel in the State of Texas shall file a duly acknowledged certificate with the Comptroller on forms prescribed, prepared and furnished by the said Comptroller, which shall contain the name under which such dealer is transacting business within the State of Texas, the names and addresses of the several persons constituting the firm or partnership, and, if a corporation, the corporate name under which it is authorized to transact business, and the names and addresses of its principal officers, resident general agent and attorney in fact. If such dealer is an association or persons, firm, partnership or corporation organized under the laws of another State, territory or country, if it has not already done so, it must first comply with the laws of Texas relating to the transaction of its appropriate business therein. No dealer, as here defined, shall, on and after June 15, 1923, sell, use or distribute any motor vehicle fuel until such certificate is furnished as required by this act.

Sec. 4. That after June 15, 1923, every such dealer in motor vehicle fuel shall render to the Comptroller, on or before the last day of each quarter, on forms prescribed, prepared and furnished by the said Comptroller, a sworn statement of the number of gallons of motor vehicle fuel sold or used by him or them during the preceding quarter of the calendar year, which statement shall be sworn to by one of the principal officers, in case of domestic corporation, or by the resident general agent or attorney-in-fact, or by a chief accountant or officer, in case of a foreign corporation; by the managing agent or owner in case of a firm or association; and shall contain a statement of the quantities of motor vehicle fuel sold or used within the State of Texas from his or their respective places of business. Bills shall be rendered to all purchasers of motor vehicle fuel by dealers in motor vehicle fuel as herein defined, except in cases of retail sales where exemption is not claimed by the purchaser under the terms of this act. Said bills shall contain a statement printed thereon in a conspicuous place that the liability to the State for the tax herein imposed has been assumed and that he or they will pay said tax on or before the last day of the following quarter.

Sec. 5. That said tax in respect to motor vehicle fuel sold or used during any calendar quarter shall be paid on or before the last day of the next succeeding quarter to the Comptroller, who shall receipt the dealer therefor, and shall forthwith pay over to the State Treasurer all moneys thus received. And the State Treasurer shall credit three-fourths of all such moneys to the State Highway Fund and one-fourth to the credit of the available public school funds and shall disburse the same in accordance with the appropriations thereof made by the Legislature and with the provisions of the law relating to the expenditure of said funds.

Sec. 6. That the records of all purchases, receipts, sales, distribution and use of motor vehicle fuel of every dealer shall at all times during the business hours of the day be subject to inspection by the Comptroller, or by any agent or employe thereof duly authorized by said Comptroller.

Sec. 7. That it shall be unlawful for any person, firm or corporation or any retail dealer or distributor of motor vehicle fuel to receive and accept any shipment in intrastate commerce, from any dealer or pay for the same, or to sell or offer for sale, unless the statement provided for in Section four (4) appears upon the invoice of said shipment. If any shipment is received in intrastate commerce by any person, firm or corporation or retail dealer or distributor, from any dealer or is sold or offered for sale by him or them, upon the invoice of which said statement does not appear, such persons, firm or corporation or retail dealer or distributor shall himself pay to the Comptroller the tax herein imposed or be liable to the State of Texas for double the amount of the tax, which tax may be recovered by civil suit or action, to be instituted by the Attorney General, in any court of competent jurisdiction.

Sec. 8. That said tax shall not be imposed on motor vehicle fuel when exported or sold for exportation from the State of Texas to any other State or nation.

Sec. 9. That any person, firm or corporation who shall buy or use any motor vehicle fuel as defined in this act for the purpose of operating or propelling stationary gas engines, tractors used for agricultural purposes, motor boats, air planes or air craft, or who shall purchase or use any such fuel for cleaning or dyeing or other commercial use of

the same, except in motor vehicles operated or intended to be operated in whole or in part upon any of the public highways of the State of Texas, on which motor fuel the tax imposed by this act shall have been paid, shall be reimbursed and repaid the amount of such tax paid by him upon presenting to the Comptroller a statement accompanied by the original invoice showing such purchase, which statement shall set forth the total amount of such fuel so purchased and used by such consumer, other than in motor vehicles operated or intended to be operated upon any of the public highways of the State of Texas, and said Comptroller, upon the presentation of such statement and such vouchers, shall cause to be repaid to such consumer from the appropriations hereinafter provided for, the said taxes paid on such fuels purchased or used, other than for motor vehicles as aforesaid; provided, that applications for refunds as provided herein must be filed with the Comptroller within ninety (90) days from the date of purchase or invoice.

Sec. 10. That any dealer, person, association or person, firm or corporation violating any of the provisions of this act, or any person, firm or agent of any corporation who shall make any false statement in connection with an application for the refund of any money or tax as provided in this act, or who shall collect or cause to be repaid to him or to any person any tax without being entitled to the same under the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars (\$1000) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

Sec. 11. That if any section, subdivision, sentence or clause in this act shall, for any reason, be held unconstitutional affect the validity or meaning of any other portion of this act.

Sec. 12. For the purpose of enabling the Comptroller to carry out the provisions of this act, an appropriation of \$20,000, or so much thereof as may be necessary, is made out of the State Highway Fund; and for the special purpose of enabling the Comptroller to make the refunds provided for in Section 9 hereof, an additional appropriation of \$100,000 or so much thereof as may be

necessary, is hereby made out of the said State Highway Fund; to be paid on warrants issued against said funds by the State Comptroller.

Sec. 13. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 14. That this act shall take effect on June 15, 1923.

Sec. 15. The fact that the present highway funds for construction and maintenance of the State System of highways on which the State and Federal aid has been used is insufficient and inadequate to provide for the construction and maintenance of such highways and that unless adequate funds are provided for the maintenance and construction of these roads, this State will lose its Federal aid allotment for the improvement of its highways, creates an emergency and an imperative public necessity which requires the suspension of the constitutional rule that all bills be read on three several days and the rule is hereby suspended and this act shall take effect and be enforced from and after its passage, and it is so enacted.

Signed—Henderson of Marion, Moore, Sackett, Dunn, Chitwood, Stell, Harrington, Greer, Russell of Callahan, Patman, Price, Rountree, Williamson, Burmeister, Pool, Fugler, Stewart of Reeves, Robinson, Dodd, Pate, Miller, Wallace, Sanford, Merritt, Downs, Coffee, Purl.

Question—Shall the substitute be adopted?

On motion of Mr. Burmeister, further consideration of the bill was postponed until 11 o'clock a. m. tomorrow.

HOUSE BILL NO. 393 ON SECOND READING.

On motion of Mr. Smith, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 393, A bill to be entitled "An Act levying an inheritance tax and transfer tax and for the assessment thereof of an inheritance tax on all property passing by will or by descent, grant or gift under the interstate laws of the State of Texas, or by transfer, contemplation of death, and providing for the collection of such taxes; said tax taking effect after the death of the grantor or donor, and repealing Articles 7487, 7488, 7489, 7490, 7491, 7492, 7493, 7494, 7495, 7496, 7497, 7498, 7499, 7500,

7501 and 7502, and repealing Chapter 21, Acts of the First Called Session of the Thirtieth Legislature; Chapter 166, Acts of the Regular Session of the Thirty-sixth Legislature; repealing all laws or parts of laws in conflict with this act, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Blount offered the following amendment to the bill:

Amend House bill No. 393, page 1, line 3, of printed bill, by inserting after the word "enjoyment" the words "before or."

The amendment was adopted.

Mr. Pope offered the following amendment to the bill:

Amend House bill No. 393 by striking out "Section 21" and renumbering "Section 22" as "Section 21."

Mr. Satterwhite offered the following substitute for the amendment:

Amend House bill No. 393 by striking out all of Section 21, beginning on line 13, page 8, and ending with line 29, uage 8, and insert in lieu thereof the following:

"Section 21. It is hereby made the duty of the Attorney General of this State to advise the Tax Commissioner with reference to his duties thereunder, and to bring all suits for the enforcement of the collection of delinquent taxes, and to bring all other suits necessary to carry out the purposes of this act."

Question—Shall the substitute be adopted?

RECESS.

On motion of Mr. Pate, the House at 12 o'clock m. took recess to 3 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 3 o'clock p. m. and was called to order by the Speaker.

HOUSE BILL NO. 393 ON ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 393, providing for a tax on inheritances, on its passage to engrossment, with amendment by Mr. Pope and substitute by Mr. Satterwhite for the amendment pending.

Question—Shall the substitute be adopted?

On motion of Mr. Smith, further consideration of the bill was postponed until 10 o'clock a. m. next Wednesday.

HOUSE BILL NO. 128 ON SECOND READING.

On motion of Mr. Simpson, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment.

H. B. No. 128, A bill to be entitled "An Act to amend Article 29 of Title 5 of the Revised Statutes of 1911, as amended by Acts of 1911, page 269, Section 1; Acts 1911, unpublished; Acts 1913, page 7, Section 1; and Acts of 1915, Chapter 70, Section 1, by providing that the counties of Rains, Wood, Van Zandt and Henderson shall be taken from the Fifth Supreme Judicial District of Texas and added to the Sixth Supreme Judicial District of Texas; that the county of Lamar shall be taken from the Sixth Supreme Judicial District of Texas and added to the Fifth Supreme Judicial District of Texas; that the county of Panola shall be taken from the Ninth Supreme Judicial District of Texas; that the counties of Shelby, Nacogdoches and Angelina shall be taken from the Ninth Supreme Judicial District of Texas and added to the Sixth Supreme Judicial District of Texas; that the counties of Anderson and Houston be taken from the First Supreme Judicial District of Texas, and that the Court of Civil Appeals of the Sixth Supreme Judicial District of Texas shall hold its sessions in the city of Tyler, in the county of Smith, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Henderson of Marion raised a point of order on consideration of the bill, on the ground that a similar bill has been defeated in the Senate.

The Speaker overruled the point of order.

Mr. Patman moved to postpone further consideration of the bill indefinitely.

Mr. Simpson offered the following (committee) amendment to the bill:

Strike out after the enacting clause and insert the following:

That Article 29 of Title 5 of the Revised Civil Statutes of Texas of 1911, as amended by Acts of 1911, page 269, Section 1; Acts of 1911, unpublished; Acts of 1923, page 7, Section 1; Acts of 1915, Chapter 70, Section 1, be, and

the same is hereby amended so as to read as follows:

Article 29. The State of Texas shall be and is hereby divided into nine supreme judicial districts, for the purpose of constituting and organizing courts of civil appeals therein, respectively:

Section 1. The following counties shall compose the First Supreme Judicial District: Madison, Walker, Harris, Grimes, Washington, Waller, Fort Bend, Brazoria, Matagorda, Wharton, Colorado, Austin, Fayette, Lavaca, Jackson, Chambers, Brazos, Leon, Burleson, DeWitt, Galveston and Trinity.

The following counties shall compose the Second Supreme Judicial District: Wichita, Cooke, Montague, Clay, Archer, Baylor, Knox, Stonewall, Haskell, Throckmorton, Young, Jack, Wise, Denton, Tarrant, Parker, Palo Pinto, Stephens, Shackelford, Jones, Mitchell, Nolan, Taylor, Callahan, Bosque, Eastland, Erath, Hood, Somervell, Comanche, Johnson, Dawson, Howard and Scurry.

The following counties shall compose the Third Supreme Judicial District: Runnels, Coleman, Brown, Mills, Hamilton, Coryell, Bell, Lampasas, San Saba, McCulloch, Concho, Llano, Burnet, Williamson, Milam, Lee, Bastrop, Travis, Blanco, Hays, Comal, Caldwell, Robertson, McLennan, Falls, Sterling, Coke, Tom Green, Irion, Schleicher and Crockett.

The following counties shall compose the Fourth Supreme Judicial District: Val Verde, Sutton, Edwards, Kinney, Maverick, Menard, Kimble, Kerr, Bandera, Uvalde, Zavala, Dimmit, Webb, LaSalle, Frio, Medina, Duval, McMullen, Atascosa, Bexar, Kendall, Gillespie, Mason, Guadalupe, Wilson, Live Oak, Zapata, Bee, Gonzales, Karnes, Calhoun, Victoria, Goliad, Refugio, San Patricio, Aransas, Nueces, Hidalgo, Cameron, Starr, Jim Hogg, Real, Brooks, Jim Wells and Kleberg.

The following counties shall compose the Fifth Supreme Judicial District: Grayson, Collins, Dallas, Rockwall, Ellis, Navarro, Kaufman, Hunt, Limestone, Freestone, Delta, Fannin and Lamar.

The following counties shall compose the Sixth Supreme Judicial District: Red River, Bowie, Hopkins, Franklin, Titus, Morris, Cass, Marion, Camp, Cherokee, Gregg, Harrison, Panola, Smith, Upshur, Rusk, Henderson, Van Zandt, Wood, Houston, Rains, Anderson, and Nacogdoches.

The following counties shall compose

the Seventh Supreme Judicial District: Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Parmer, Castro, Swisher, Briscoe, Hall, Childress, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Foard, Hardeman, Wilbarger, King, Dickens, Crosby, Lubbock, Hockley, Cochran, Yoakum, Terry, Lynn, Garza, Kent, and Fisher.

The following counties shall compose the Eighth Supreme Judicial District: Gaines, Borden, Andrews, Martin, Loving, Winkler, Midland, Glasscock, Reeves, Ward, Crane, Upton, Reagan, Terrell, Pecos, Brewster, Presidio, Jeff Davis, El Paso, Ector, and Culberson.

The following counties shall compose the Ninth Supreme Judicial District: San Jacinto, Montgomery, Liberty, Jefferson, Orange, Hardin, Newton, Jasper, Tyler, Polk, Sabine, Shelby, Angelina, and San Augustine.

Sec. 2. The Court of Civil Appeals of the Sixth Supreme Judicial District of Texas shall hold its sessions in the city of Tyler, in the county of Smith, and its terms shall commence on the first Monday in October of each year and shall continue in session until the first Monday in July of each succeeding year.

Sec. 3. The fact that there exists a great and constantly increasing accumulation of cases in the Fifth Supreme Judicial District of Texas, and that the dockets of the Sixth Supreme Judicial District of Texas are relatively clear and that this condition retards the prompt decision of cases coming before the Fifth Supreme Judicial District, whereby it is rendered practically impossible for civil business to be disposed of promptly and with reasonable dispatch in said Fifth Supreme Judicial District of Texas, and this state of facts creates an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and that all laws and parts of laws in conflict be and the same are hereby repealed, and it is so enacted.

Mr. Abney offered the following amendment to the (committee) amendment:

Amend (committee) amendment No. 1 to House bill No. 128 by striking

from line 19, page 4, the words "Fannin and Lamar" and inserting the words "Lamar, Fannin," in line 21, page 4, before the words "Red River."

Mr. Perdue moved the previous question on the pending motions and engrossment of the bill, and the main question was ordered.

Mr. Fugler moved to reconsider the vote by which the previous question was ordered, and the motion to reconsider was lost.

Question first recurring on the amendment by Mr. Abney to the (committee) amendment, it was adopted.

Question then recurring on the (committee) amendment as amended, it was adopted.

Question next recurring on the motion to postpone consideration of the bill indefinitely, yeas and nays were demanded.

The motion to postpone indefinitely prevailed by the following vote:

Yeas—58.

Abney.	LeMaster.
Arnold.	Lewis.
Atkinson.	McDaniel.
Avis.	Martin.
Baker of Orange.	Melson.
Barker.	Merriman.
Barrett.	Merritt.
Beasley.	Miller.
Brady.	Moore.
Burmeister.	Morgan
Cable.	of Liberty.
Carpenter	Morgan
of Matagorda.	of Robertson.
Chitwood.	Patman.
Cowen.	Pool.
DeBerry.	Price.
Dodd.	Quaid.
Dunn.	Quinn.
Durham.	Robinson.
Edwards.	Rogers.
Finlay.	Russell
Frnka.	of Callahan.
Fugler.	Stevens.
Henderson	Storey.
of Marion.	Thompson.
Henderson	Thrasher.
of McLennan.	Vaughan.
Hendricks.	Wallace.
Howeth.	Wells.
Johnson.	Wessels.
Jones.	Williamson.
Lackey.	Wilson.

Nays—51.

Mr. Speaker.	Bird.
Amsler.	Blount.
Baldwin.	Bonham.
Bell.	Bryant.

Carpenter	McBride.
of Dallas.	McDonald.
Carson.	McFarlane.
Carter of Coke.	McNatt.
Coffee.	Mathes.
Culp.	Pate.
Davenport.	Patterson.
Davis.	Perdue.
Dielmann.	Potter.
Driggers.	Rice.
Duffey.	Rountree.
Fields.	Sackett.
Gipson.	Sanford.
Green.	Satterwhite.
Greer.	Simpson.
Hardin	Sparkman.
of Kaufman.	Stewart of Jasper.
Hull.	Stroder.
Irwin.	Sweet.
Lamb.	Westbrook.
Lane.	Wilmans.
LeSturgeon.	Young.
Looney.	

Present—Not Voting.

Covey.	Stewart
Dunlap.	of Edwards.
Harris.	Stewart of Reeves.
Jennings.	

Absent.

Carter of Hays.	McKean.
Collins.	Maxwell.
Downs.	Montgomery.
Faubion.	Pinkston.
Harrington.	Pope.
Jacks.	Shearer.
Kemble.	Shires.
Laird.	Smith.
Loftin.	Teer.
Lusk.	

Absent—Excused.

Baker of Milam.	Purl.
Bobbitt.	Rowland.
Dinkle.	Russell of Trinity.
Hardin of Erath.	Stiernberg.
Houston.	Turner.
Hughes.	

Paired.

Mr. Winfree (present), who would vote "nay," with Mr. Stell (absent), who would vote "yea."

Mr. Crawford (present), who would vote "nay," with Mr. Strickland (absent), who would vote "yea."

Mr. Patman moved to reconsider the vote by which the bill was postponed indefinitely and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—62.

Abney.	Lamb.
Arnold.	LeMaster.
Atkinson.	Looney.
Avis.	McDaniel.
Baker of Orange.	Martin.
Barker.	Melson.
Barrett.	Merriman.
Beasley.	Merritt.
Bonham.	Miller.
Brady.	Morgan
Bryant.	of Liberty.
Burmeister.	Morgan
Cable.	of Robertson.
Carpenter.	Patman.
of Matagorda.	Pool.
Carson.	Price.
Cowen.	Quaid.
DeBerry.	Quinn.
Dodd.	Robinson.
Duffey.	Rogers.
Edwards.	Russell
Finlay.	of Callahan.
Frnka.	Stevens.
Fugler.	Storey.
Henderson	Sweet.
of Marion.	Thompson.
Henderson	Thrasher.
of McLennan.	Vaughan.
Hendricks.	Wallace.
Howeth.	Wells.
Hull.	Wessels.
Jennings.	Williamson.
Johnson.	Wilmans.
Lackey.	Wilson.

Nays—42.

Amsler.	LeStourgeon.
Baldwin.	McBride.
Bell.	McFarlane.
Blount.	McNatt.
Carpenter	Mathes.
of Dallas.	Moore.
Carter of Coke.	Pate.
Chitwood.	Patterson.
Coffee.	Perdue.
Crawford.	Potter.
Davenport.	Rice.
Davis.	Sackett.
Dielmann.	Sanford.
Dunn.	Satterwhite.
Durham.	Simpson.
Fields.	Sparkman.
Green.	Stewart of Jasper.
Greer.	Stewart
Hardin	of Edwards.
of Kaufman.	Stroder.
Irwin.	Westbrook.
Jones.	Young.
Lane.	

Present—Not Voting.

Bird.

Covey.

Driggers.
Dunlap.

Harris.
Stewart of Reeves.

Absent.

Carter of Hays.	McDonald.
Collins.	McKean.
Culp.	Maxwell.
Downs.	Montgomery.
Faubion.	Pinkston.
Gipson.	Pope.
Harrington.	Rountree.
Jacks.	Shearer.
Kemble.	Shires.
Laird.	Smith.
Lewis.	Strickland.
Loftin.	Teer.
Lusk.	

Absent—Excused.

Baker of Milam.	Purl.
Bobbitt.	Rowland.
Dinkle.	Russell of Trinity.
Hardin of Erath.	Stiernberg.
Houston.	Turner.
Hughes.	

Paired.

Mr. Winfree (present), who would vote "nay," with Mr. Stell (absent), who would vote "yea."

PROPOSED AMENDMENT TO RULES.

Mr. Quaid offered the following resolution:

Resolved by the House of Representatives, That House Rule 12 be, and the same is, hereby amended by adding another section to said rule, to be known as Section 4a, which shall read as follows:

"4a. When several motions to recess or adjourn are made at the same period, the motion to recess or adjourn carrying the shortest time shall be put first by the Speaker, and in that order until one is adopted or until all have been voted on.

"A motion to adjourn shall have precedence over a motion to recess when both motions carry the same time."

The resolution was read second time and referred by the Speaker to the Committee on Rules.

HOUSE BILL NO. 182 ON SECOND READING.

On motion of Mr. Dunn, the regular order of business was suspended to take up and place on its second reading and passage to engrossment,

H. B. No. 182, A bill to be entitled "An Act authorizing and directing the administrative or governing authorities of the public educational institutions of this State to except and exempt from the payment of all dues, fees, and charges except for board and clothing of all citizens of Texas who served as nurses or in the armed forces of the United States during the late war, and giving said citizens a preferential right to be admitted to the benefits of said institutions, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. LeSturgeon offered the following amendment to the bill:

Amend House bill No. 182, lines 20 and 37, by striking out the word "war" and substituting the word "wars," and amend the caption to correspond.

Mr. Thrasher offered the following substitute for the amendment:

Amend House bill No. 182, page 1, lines 20 and 37, by adding after the word "war" the words "and the Spanish-American War," and amend caption accordingly.

Question first recurring on the substitute, it was lost.

Question then recurring on the amendment, it was lost.

Mr. Harris offered the following amendment to the bill:

Amend House bill No. 192, page 1, line 21, by adding after the word "therefrom," the following: "and those who served in the Texas National Guard during any part of the period of time from May 1 to November 11, 1918."

And amend House bill No. 182, page 1, line 38, by adding after the word "therefrom" the following: "and those persons who served in the Texas National Guard during any part of the period of time from May 1 to November 11, 1918."

Mr. Miller moved the previous question on the amendment and the bill, and the main question was ordered.

The amendment was lost.

House bill No. 182 was passed to engrossment.

HOUSE BILL NO. 182 ON THIRD READING.

Mr. Dunn moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 182 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—101.

Amsler.	Lamb.
Arnold.	Lane.
Avis.	LeMaster.
Baker of Orange.	Lewis.
Baldwin.	Loftin.
Barker.	McBride.
Barrett.	McDaniel.
Beasley.	McDonald.
Bell.	McFarlane.
Blount.	McNatt.
Bonham.	Maxwell.
Brady.	Melson.
Bryant.	Merritt.
Burmeister.	Miller.
Cable.	Moore.
Carpenter	Morgan
of Dallas.	of Liberty.
Carpenter	Morgan
of Matagorda.	of Robertson.
Carson.	Pate.
Carter of Coke.	Patman.
Chitwood.	Patterson.
Coffee.	Perdue.
Covey.	Pool.
Cowen.	Pope.
Culp.	Potter.
Davenport.	Price.
Davis.	Quaid.
DeBerry.	Rice.
Dielmann.	Robinson.
Dodd.	Rogers.
Downs.	Rountree.
Driggers.	Russell
Duffey.	of Callahan.
Dunlap.	Sackett.
Dunn.	Sanford.
Durham.	Shearer.
Faubion.	Simpson.
Fields.	Sparkman.
Finlay.	Stewart
Frnka.	of Edwards.
Fugler.	Stewart of Jasper.
Gipson.	Stewart of Reeves.
Greer.	Storey.
Hardin	Stroder.
of Kaufman.	Sweet.
Harris.	Teer.
Henderson	Thompson.
of Marion.	Thrasher.
Howeth.	Wallace.
Hull.	Wells.
Irwin.	Williamson.
Jennings.	Wilson.
Jones.	Winfree.
Lackey.	

Nays—7.

Abney.	Henderson
Bird.	of McLennan.
Collins.	Quinn.
Weassels.	Wilmans.

Present—Not Voting.

Green.	Looney.
LeSturgeon.	Stevens.

Absent.

Atkinson.	Martin.
Carter of Hays.	Mathes.
Crawford.	Merriman.
Edwards.	Montgomery.
Harrington.	Pinkston.
Hendricks.	Satterwhite.
Jacks.	Shires.
Johnson.	Smith.
Kemble.	Strickland.
Laird.	Vaughan.
Lusk.	Westbrook.
McKean.	Young.

Absent—Excused.

Baker of Milam.	Purl.
Bobbitt.	Rowland.
Dinkle.	Russell of Trinity.
Hardin of Erath.	Stell.
Houston.	Stiernberg.
Hughes.	Turner.

The Speaker then laid House bill No. 182 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—106.

Amsler.	Downs.
Avis.	Driggers.
Baker of Orange.	Duffey.
Baldwin.	Dunlap.
Barker.	Dunn.
Beasley.	Durham.
Bell.	Edwards.
Blount.	Faubion.
Bonham.	Fields.
Brady.	Finlay.
Bryant.	Frnka.
Burmeister.	Gipson.
Cable.	Greer.
Carpenter	Hardin
of Dallas.	of Kaufman.
Carpenter	Harris.
of Matagorda.	Hull.
Carson.	Henderson
Carter of Coke.	of Marion.
Chitwood.	Irwin.
Coffee.	Jennings.
Collins.	Johnson.
Covey.	Jones.
Cowen.	Lackey.
Crawford.	Lamb.
Culp.	Lane.
Davenport.	LeMaster.
Davis.	Lewis.
DeBerry.	Loftin.
Dielmann.	Looney.
Dodd.	McBride.

McDaniel.	Rountree.
McDonald.	Russell
McFarlane.	of Callahan.
McNatt.	Sackett.
Maxwell.	Sanford.
Melson.	Satterwhite.
Merriman.	Shearer.
Merritt.	Sparkman.
Miller.	Stevens.
Moore.	Stewart
Morgan	of Edwards.
of Liberty.	Stewart of Jasper.
Morgan	Stewart of Reeves.
of Robertson.	Storey.
Patman.	Stroder.
Patterson.	Sweet.
Perdue.	Thompson.
Pool.	Thrasher.
Pope.	Vaughan.
Potter.	Wallace.
Price.	Wells.
Quaid.	Williamson.
Quinn.	Wilmans.
Rice.	Wilson.
Robinson.	Winfree.
Rogers.	Young.

Nays—4.

Abney.	LeSturgeon.
Henderson	Wessels.
of McLennan.	

Present—Not Voting.

Bird.	Pate.
Fugler.	Simpson.
Green.	

Absent.

Arnold.	McKean.
Atkinson.	Martin.
Barrett.	Mathes.
Carter of Hays.	Montgomery.
Harrington.	Pinkston.
Hendricks.	Shires.
Howeth.	Smith.
Jacks.	Strickland.
Kemble.	Teer.
Laird.	Westbrook.
Lusk.	

Absent—Excused.

Baker of Milam.	Purl.
Bobbitt.	Rowland.
Dinkle.	Russell of Trinity.
Hardin of Erath.	Stell.
Houston.	Stiernberg.
Hughes.	Turner.

HOUSE BILL NO. 136 ON SECOND READING.

On motion of Mr. Henderson of Marion, the regular order of business was suspended, to take up and have

placed on its second reading and passage to engrossment,

H. B. No. 136, A bill to be entitled "An Act amending Section 39 of Chapter 42, General Laws of the First Called Session of the Thirty-seventh Legislature, relative to public roads and highways, so as to except and exempt from the provisions of said chapter the county of Marion, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Henderson of Marion offered the following amendments to the bill:

(1)

Amend House bill No. 136 by adding to Section 39 the following counties in alphabetical order:

Anderson, Austin, Bastrop, Colorado, Crane, Ector, Hardin, Hidalgo, Kent, Lavaca, Loving, Liberty, Marion, Morris, Martin, Midland, Nacogdoches, Palo Pinto, Robertson, Stonewall, Scurry, Stephens, San Jacinto, Taylor, Ward, Walker, Winkler, and Upton.

(2)

Amend House bill No. 136, page 2, line 10, by striking out the period after the word "Zavalla" and inserting in lieu thereof a comma, and adding the following:

"Any and all laws affecting Anderson, Austin, Bastrop, Colorado, Crane, Ector, Hardin, Hidalgo, Kent, Lavaca, Loving, Liberty, Marion, Morris, Martin, Midland, Nacogdoches, Palo Pinto, Robertson, Stonewall, Scurry, Stephens, San Jacinto, Taylor, Ward, Walker, Winkler, and Upton counties, which were repealed by said Chapter 42, are hereby revived and shall hereafter be in force and effect the same as if Chapter 42 had never been enacted, in so far as said counties are concerned."

(3)

Amend caption of House bill No. 136 so that the same shall hereafter read:

"An Act amending Section 39 of Chapter 42, General Laws of the First Called Session of the Thirty-seventh Legislature, relative to public roads and highways, so as to except and exempt from the provisions of said chapter the counties of Anderson, Austin, Bastrop, Colorado, Crane, Ector, Hardin, Hidalgo, Kent, Lavaca, Loving, Liberty, Marion, Morris, Martin, Midland, Nacogdoches, Palo Pinto, Robertson, Stonewall, Scurry, Stephens, San Jacinto, Taylor, Ward, Walker, Winkler,

and Upton, and declaring an emergency."

The amendments were severally adopted.

Mr. Henderson of Marion offered the following amendment to the bill:

Amend House bill No. 136, page 2, line 13, by striking out the words "Marion and Morris counties" and adding in lieu thereof the following: "The counties named in the caption hereof."

The amendment was adopted.

House bill No. 136 was then passed to engrossment.

HOUSE BILL NO. 136 ON THIRD READING.

Mr. Henderson of Marion moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 136 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—107.

Abney.	Faubion.
Amsler.	Fields.
Avis.	Finlay.
Baldwin.	Frnka.
Barker.	Gipson.
Barrett.	Green.
Beasley.	Greer.
Bell.	Harris.
Blount.	Henderson
Bonham.	of Marion.
Brady.	Howeth.
Bryant.	Hull.
Burmeister.	Jacks.
Cable.	Jennings.
Carpenter	Jones.
of Dallas.	Lackey.
Carpenter	Lamb.
of Matagorda.	Lane.
Carson.	LeMaster.
Chitwood.	LeStourgeon.
Coffee.	Lewis.
Collins.	Looney.
Covey.	McBride.
Cowen.	McDaniel.
Crawford.	McDonald.
Culp.	McFarlane.
Davenport.	McNatt.
Davis.	Mathea.
DeBerry.	Maxwell.
Dielmann.	Melson.
Dodd.	Merriman.
Downs.	Merritt.
Driggers.	Miller.
Duffey.	Moore.
Dunlap.	Morgan
Dunn.	of Liberty.
Durham.	Pate.
Edwards.	Patman.

Patterson.	Sparkman.
Perdue.	Stevens.
Pool.	Stewart
Pope.	of Edwards.
Potter.	Stewart of Jasper.
Price.	Stewart of Reeves.
Quaid.	Storey.
Quinn.	Stroder.
Rice.	Sweet.
Robinson.	Teer.
Rogers.	Thompson.
Rountree.	Thrasher.
Russell	Wallace.
of Callahan.	Westbrook.
Sackett.	Williamson.
Sanford.	Wilson.
Shearer.	Winfree.
Simpson.	Young.
Smith.	

Nays—4.

Carter of Coke.	Henderson
Hardin	of McLennan.
of Kaufman.	Wilmans.

Present—Not Voting.

Bird.	Vaughan.
Irwin.	Wessels.

Absent.

Arnold.	Martin.
Atkinson.	Montgomery.
Carter of Hays.	Morgan
Fugler.	of Robertson.
Harrington.	Pinkston.
Hendricks.	Satterwhite.
Kemble.	Shires.
Laird.	Strickland.
Loftin.	Wells.
Lusk.	

Absent—Excused.

Baker of Milam.	McKean.
Baker of Orange.	Purl.
Bobbitt.	Rowland.
Dinkle.	Russell of Trinity.
Hardin of Erath.	Stell.
Houston.	Stiernberg.
Hughes.	Turner.
Johnson.	

The Speaker then laid House bill No. 136 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—109.

Mr. Speaker.	Barker.
Abney.	Beasley.
Amsler.	Bell.
Arnold.	Blount.
Atkinson.	Bonham.
Avis.	Brady.
Baldwin.	Bryant.

Burmeister.	McDaniel.
Cable.	McFarlane.
Carpenter	McNatt.
of Dallas.	Martin.
Carpenter	Mathes.
of Matagorda.	Maxwell.
Carter of Coke.	Melson.
Chitwood.	Merriman.
Coffee.	Merritt.
Collins.	Miller.
Covey.	Moore.
Cowen.	Morgan
Culp.	of Liberty.
Davenport.	Pate.
Davis.	Patman.
DeBerry.	Patterson.
Dielmann.	Perdue.
Dodd.	Pool.
Driggers.	Potter.
Duffey.	Price.
Dunlap.	Quaid.
Dunn.	Quinn.
Durham.	Rice.
Edwards.	Robinson.
Faubion.	Rogers.
Fields.	Rountree.
Finlay.	Russell
Frnka.	of Callahan.
Gipson.	Sackett.
Green.	Sanford.
Greer.	Shearer.
Hardin	Simpson.
of Kaufman.	Smith.
Harris.	Sparkman.
Henderson	Stevens.
of Marion.	Stewart
Henderson	of Edwards.
of McLennan.	Stewart of Jasper.
Howeth.	Stewart of Reeves.
Hull.	Storey.
Jacks.	Stroder.
Jennings.	Sweet.
Jones.	Teer.
Lackey.	Thompson.
Lamb.	Thrasher.
Lane.	Vaughan.
LeMaster.	Wallace.
LeSturgeon.	Westbrook.
Lewis.	Williamson.
Loftin.	Wilson.
Looney.	Winfree.
McBride.	

Present—Not Voting.

Bird.	Young.
Irwin.	

Absent.

Barrett.	Hendricks.
Carson.	Johnson.
Carter of Hays.	Kemble.
Crawford.	Laird.
Downs.	Lusk.
Fugler.	McKean.
Harrington.	McDonald.

Montgomery.	Shires.
Morgan	Strickland.
of Robertson.	Wells.
Pinkston.	Wessels.
Pope.	Wilmans.
Satterwhite.	

Absent—Excused.

Baker of Milam.	Purl.
Baker of Orange.	Rowland.
Bobbitt.	Russell of Trinity.
Dinkle.	Stell.
Hardin of Erath.	Stiernberg.
Houston.	Turner.
Hughes.	

SENATE BILLS ON FIRST READING.

The following Senate bills were laid before the House, read first time, and referred to appropriate committees, as follows:

Senate bill No. 168, to Committee on School Districts.

Senate bill No. 171, to Committee on School Districts.

Senate bill No. 104, to Committee on Banks and Banking.

RECESS.

Mr. Jones moved that the House adjourn until 10 o'clock a. m. tomorrow.

Mr. Pope moved that the House recess until 10 o'clock a. m. tomorrow.

The motion of Mr. Pope prevailed, and the House, accordingly at 5:50 o'clock p. m., took recess to 10 o'clock a. m. tomorrow.

TWENTY-FIRST DAY.

(Continued.)

(Tuesday, February 6, 1923.)

The House met at 10 o'clock a. m., and was called to order by Speaker Seagler.

HOUSE BILL NO. 1 ON SECOND READING.

On motion of Mr. Melson, the regular order of business was suspended to take and have placed on its second reading and passage to engrossment,

H. B. No. 1, A bill to be entitled "An Act appropriating three million five hundred thousand dollars (\$3,500,000) out of the State Treasury to aid and promote all the public schools of this State for the scholastic year be-

ginning September 1, 1922, and ending August 31, 1923, the same to be distributed as the available school fund is now distributed, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Melson offered the following (committee) amendment to the bill:

Amend House bill No. 1 by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. For the purpose of promoting and aiding all the public schools of the State three million (\$3,000,000) dollars is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, the same to be added to the available school funds for the scholastic year beginning September 1, 1922, and ending August 31, 1923, and to be distributed in accordance with the statutes now controlling the distribution of the available school funds of this State, as shown by Articles Nos. 2725, 2726, Chapter 9, Title 48, Revised Civil Statutes of the State of Texas, and provided the funds herein appropriated shall not be used for school year 1922-23 for any purpose except to extend the school term for the school year 1922-23.

Sec. 2. Any person or persons having the authority to expend the funds herein appropriated who shall violate the above provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in the sum of not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars; and providing further that each and every separate act shall constitute a separate offense.

Sec. 3. That fact that many of the public schools of this State are in imminent danger of being closed for lack of funds, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three separate days in each house be suspended, and that this act shall take effect and be in force from and after its passage and said rule is hereby suspended and it is so enacted.

The amendment was adopted.

Mr. Melson offered the following (committee) amendment to the bill:

Amend House bill No. 1 by substituting the following before the enacting clause:

"An Act appropriating three million (\$3,000,000) dollars out of the State Treasury to aid and promote all the